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| 10/524,267 | 02/06/2006 | Wilhelm Muller | 2002P13122 | 4096 |
| 24131 7590 08/10/2009 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480 | | | | |
| EXAMINER | | | | |
| LAM, DUNG LE | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Regarding claim 12, it is entered after final rejection because it has the same scope as claim 1. Thus it will also be rejected for same reasons as claim 1.

Regarding claim 1, applicant's representative argues that he does not agree with the 112 2nd paragraph rejection cannot see why the examiner states that the claim is contradictory. As addressed in the final rejection, the examiner does not see why one would want to determine to see if the request device is from a version which is expected to receive a switching device address and then if the determination is positive and the version is indeed that version which is destined to receive the switching address would end up receiving some address other than the expected switching address.

Applicant's reasoning is as followed.

"According to claim 1, there is an expectation in the first location request handling device that it will receive "switching device address data of a switching device, via which the subscriber can currently be reached", it is recognized in the method according to claim 1 that the provision of this data is not appropriate, and so instead of providing this data, some other data (location request handling device address data representing the address of a further location request handling device) is provided. In other words, the expectations of the first location request handling device are over-ridden by recognizing that the first location request handling device should be receiving address data other than what it has requested."

The above quoted reasoning (especially the bolded phrases) definitely explains why the switching address data is not received; it is because of a recognition that the provision of the data is not appropriate and is overridden and thus other data is received. However, the examiner notes that no where in the claim stated that very

crucial reasoning or determination or recognition that the provision of the switching device is not appropriate, thus confusions occurred. The claim only recited the step of making sure that the location request handling device which is the version that is destined/expected to receive the switching address data. If it is confirmed that the location request handling device is indeed from such a version meaning it is the version that is destined to receive the switching device, then receive address device that is not switching address device. Thus, the examiner submits that the claim is missing the crucial step of "recognizing that the version of the location request handling device is not appropriate for receiving switching address data.", that's why it sounded contradictory.

Applicant is invited to amend the claim to incorporate the above bolded and crucial "recognition" concept into the claim (providing that it is supported by the specification) in order enable one skill in the art to understand why a device expected to receive a switching address device would receive other address data. Thus the 112, 2nd is maintained based on the above reasoning's.

In view of the 112 2nd rejection reasoning above, the examiner maintains that the cited prior arts provided in the final rejection still reads on the current claim with the broadest reasonable interpretation.

/Dung Lam/

Examiner, Art Unit 2617